

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALVIN DAMOND HUNT,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ARETHA DIANE HUNT,

Respondent-Appellant.

UNPUBLISHED

May 22, 2007

No. 273241

Wayne Circuit Court

Family Division

LC No. 98-369173-NA

Before: Cooper, P.J., and Murphy and Neff, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the child under MCL 712A.19b(3)(a)(i), (i), and (j). We affirm.

The minor child tested positive for opiates at birth, May 7, 2006. Respondent had a history of substance abuse; her parental rights to three other children had been terminated before the birth of this child. Petitioner filed an original permanent custody petition seeking termination of respondent's parental rights to this child, Alvin. Evidence at trial showed that respondent had been using heroin for 14 years, had used heroin while pregnant with this child, and was living in a homeless shelter at the time he was born. The protective services worker who filed the petition referred respondent to a drug treatment program at respondent's request. Respondent failed to attend the May 18, 2006, assessment to enter the program. Five days before the August 22, 2006, termination trial, respondent completed the detoxification portion of the Salvation Army Harbor Light drug treatment program and was prepared to enter the 90-day inpatient portion of the program. Respondent claimed that she had stopped using heroin in late May 2006, although she did use Vicodin, pain medication for which she did not have a prescription, in June. She admitted being in five to ten different drug treatment programs in the past but insisted that she would comply with the Salvation Army program because she wanted to keep her child. The court terminated respondent's parental rights under §§ 19b(3)(a)(i), (i), and (j).

The court took judicial notice of its prior opinions and orders terminating respondent's parental rights to Alvin's siblings, which concluded that respondent had failed to address her substance abuse and complete her parent-agency agreement. This evidence provided clear and convincing evidence that respondent's parental rights to siblings of Alvin had been terminated

due to serious and chronic neglect and prior attempts to rehabilitate respondent had been unsuccessful. The prior opinions, coupled with the evidence presented at trial, provided clear and convincing evidence that Alvin would be subjected to harm if returned to respondent's home. Thus, the trial court did not clearly err in finding termination was appropriate under §§19b(3)(i) and (j). MCR 3.977(G)(3); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Although the trial court erred in relying upon § 19b(3)(a)(i), which concerns abandonment, this error was harmless in light of the other statutory grounds supporting termination. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Further, the evidence failed to show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Jessica R. Cooper
/s/ William B. Murphy
/s/ Janet T. Neff